

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND DIVISION

SCOTT W. HART, on behalf of himself §	NO. 7:15-CV-225-DAE
and all others similarly situated §	
	§
Plaintiff, §	
	§
vs. §	
	§
SWAGGIN WAGON, INC., BRAD §	
PARSON, and RICKEY STANLEY, §	
	§
Defendants. §	

DISMISSAL ORDER

Before the Court is a Notice of Voluntary Dismissal filed by Scott W. Hart (“Plaintiff”) on January 12, 2016. (Dkt. # 6.)

Under the Federal Rules of Civil Procedure, a plaintiff “may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). This dismissal should be without prejudice, unless “the plaintiff previously dismissed any federal- or state-court action based on or including the same claim.” Id. at (a)(1)(B).

Swaggin Wagon, Inc., Brad Parson, and Rickey Stanley (collectively, “Defendants”) have not served an answer to Plaintiff’s complaint, and have not served a motion for summary judgment. The Court is not aware of any instance

where the Plaintiff previously dismissed a court action based on the claims alleged in his complaint. (Dkt. # 1.) Accordingly, dismissal pursuant to Federal Rule of Civil Procedure 41(a) is appropriate.

The Court hereby **ORDERS** the instant suit be **DISMISSED WITHOUT PREJUDICE** as to all Defendants.

**IT IS SO ORDERED.**

**DATED:** Midland, Texas, January 13, 2016

A handwritten signature in black ink, appearing to read 'David Alan Ezra', is written over a horizontal line.

David Alan Ezra  
Senior United States District Judge